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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,729	12/27/2000	Masaaki Yamamoto	9683/74	3943

7590 06/02/2005  
Brinks Hofer Gilson & Lione  
PO Box 10395  
Chicago, IL 60610

EXAMINER
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LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/720,729	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Nghi H. Ly	2686	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 25,28-30,33-48 and 83.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 05/18/05  
13. ☐ Other: \_\_\_\_\_.

*Marsha D Banks-Harold*  
**MARSHA D. BANKS-HAROLD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.

On page 6 of Applicant's remarks, Applicant argues that Kuno (US 6,473,628) does not teach "the correlatable memory area and dynamic correlation between the memory areas to the standby state".

In response, Kuno teaches the images of a swimming fish, a flying airplane and an animal are displayed during the standby state (see column 9, lines 7-26). In order to display (or read out) the above images from the ROM (memory unit) 13, the teaching of Kuno inherently teaches correlating the images of that particular memory area of the ROM (memory unit) 13 during the standby state. If Kuno does not teach correlating between the memory areas to the standby state, as alleged by the Applicant, the control unit 12 of Kuno would not know where to locate the images of the fish, airplane and animal in the ROM (memory unit) 13.

Applicant admitted that Kuno teaches "correlate the images to the standby state", but Kuno does not teach "correlate the memory areas to the standby state".

In response, since the images of Kuno are stored in ROM (memory unit) 13. In order to display (or read out) the images from ROM (memory unit) 13, the teaching of Kuno inherently teaches correlating the images of that particular memory area of the ROM (memory unit) 13 during the standby state (also see Examiner's answer above).

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In addition, since the images of the fish, airplane and animal are displayed randomly, but one by one (or in sequence) (or the images of the fish, airplane and animal do not mix up in one display screen 16 at the same time during the standby state). Therefore, the teaching of Kuno inherently teaches the images of the fish, airplane and animal are stored in separate memory areas of a ROM (memory unit) 13. Furthermore, see Kuno, column 10, lines 30-31, see "images stores in ROM (memory unit) 13 are selected by the control unit 12".

On page 6 of Applicant's remarks, Applicant further argues that the user of Kuno cannot link an image of his selection to the standby state.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the user links an image of his selection to the standby state") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the Applicant's "correlation control" (not the user) that dynamically correlates the multiple memory areas (see Applicant's claim 25). In addition, see Kuno, column 10, lines 30-31, see "images stores in ROM (memory unit) 13 are selected by the control unit 12".

On page 6 of Applicant's remarks, Applicant further argues that there is no motivation to combine Kuno and Evans.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to do so found in the references themselves which is: providing entertainment during idle moments (see Kuno, column 11, lines 17-23, column 10, lines 1-4 and column 12, lines 41-45).

On page 6 of Applicant's remarks, Applicant further argues that Evans does not relate to screen images for a standby state.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Kuno (not Evans) teaches screen images for a standby state, and the combination of Kuno and Evans indeed teaches Applicant's claimed invention. In addition, Applicant's attention is directed to the rejection of claim 25 of Office action dated 11/26/04.

On page 7 of Applicant's remarks, Applicant further argues that Kuno and Evans, either alone or in combination fails to teach dynamic correlation between the memory areas to the standby state.

In response, Applicant's attention is directed to the Examiner's answer above.

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For the above reasons, the Examiner believes that the rejections to claims are proper.

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

*NHL*  
05/26/05

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